

REMARKS

Claims 1, 2, 4-6, and 8-11 are pending in this application.

Applicants have amended claims 1, 4-6, and 8-11, and have canceled claims 3 and 7.

As will be explained in more detail below, these changes do not introduce any new matter.

Claim Amendments

Applicants have amended independent claim 1 to include the features specified in original claims 3 and 7. In addition, Applicants have modified the language used in claim 1 to improve its readability. Support for the modified language used in claim 1 may be found in the subject application in, for example, Paragraphs [0088]-[0096] and Paragraph [0130] and Figures 14, 15(a), 15(b), and 16(a). In light of the changes made to claim 1, as noted above, Applicants have canceled claims 3 and 7. Applicants have amended independent claims 9-11 along the same lines that claim 1 has been amended.

Applicants have amended claim 4 in accordance with the changes made to claim 1. Support for this change may be found in Figures 11(d) and 16(b) and the accompanying description of these drawings set forth in the specification.

Applicants have amended claim 5 in accordance with the changes made to claim 1. Support for this change may be found in Figures 13(a)-13(d) and 16(c) and the accompanying description of these drawings set forth in the specification.

Applicants have amended claim 6. Support for the changes to claim 6 may be found in Figures 11(d) and 16(b) and the accompanying description of these drawings set forth in the specification.

Applicants have amended claim 8 to reflect the changes made to claim 1. And, lastly, Applicants have amended claim 10 to recite a "computer-readable storage medium."

Rejection Under 35 U.S.C. § 101

In response to the rejection of claim 10 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter, as noted above, Applicants have amended claim 10 to recite a “computer-readable *storage* medium.” Applicants submit that one having ordinary skill in the art would not consider a “carrier wave” to be a computer-readable storage medium. Moreover, nothing in the cited portion of the specification (page 3, lines 1-7) would lead one skilled in the art to believe that a “carrier wave” constitutes a computer-readable storage medium as in the claimed subject matter. Accordingly, Applicants submit that claim 10 now defines statutory subject matter under 35 U.S.C. § 101, and request that the rejection of this claim thereunder be withdrawn.

Rejection Under 35 U.S.C. § 112

As noted above, claim 7 has been canceled herein. As such, the rejection of claim 7 under 35 U.S.C. § 112, second paragraph, is moot.

Rejections Under 35 U.S.C. § 102

Applicants respectfully request reconsideration of the rejection of claims 1-4, 6, and 9-11 under 35 U.S.C. § 102(b) as being anticipated by *Suzuki* (U.S. Patent No. 5,313,277) (as noted above, claim 3 has been canceled herein). As will be explained in more detail below, the *Suzuki* reference does not disclose each and every feature specified in independent claims 1 and 9-11, as amended herein.

As at least implicitly acknowledged by the Examiner in the Office Action, the *Suzuki* reference does not disclose the features specified in original claim 7. As these features are now included in claims 1 and 9-11, the *Suzuki* reference does not disclose each and every feature specified in claims 1 and 9-11, as amended herein, for at least the reason that these claims include the features specified in original claim 7.

Accordingly, for at least the foregoing reasons, claims 1 and 9-11, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Suzuki*. Claims 2, 4, and 6, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 102(b) over *Suzuki* for at least the same reasons set forth above regarding claim 1.

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 5, 7, and 8-11 under 35 U.S.C. § 102(b) as being anticipated by *Hashimoto et al.* ("*Hashimoto*") (U.S. Patent No. US 6,249,317 B1) (as noted above, claim 7 has been canceled herein). As will be explained in more detail below, the *Hashimoto* reference does not disclose each and every feature specified in independent claims 1 and 9-11, as amended herein.

As at least implicitly acknowledged by the Examiner in the Office Action, the *Hashimoto* reference does not disclose the features specified in original claim 3. As these features are now included in claims 1 and 9-11, the *Hashimoto* reference does not disclose each and every feature specified in claims 1 and 9-11, as amended herein, for at least the reason that these claims include the features specified in original claim 3.

Accordingly, for at least the foregoing reasons, claims 1 and 9-11, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Hashimoto*. Claims 2, 5, and 8, each of which depends from claim 1, are likewise patentable under 35 U.S.C. § 102(b) over *Hashimoto* for at least the same reasons set forth above regarding claim 1.

Potential Rejection Under 35 U.S.C. § 103

In the foregoing discussion, Applicants have distinguished independent claims 1 and 9-11, as amended herein, from each of the *Suzuki* and *Hashimoto* references. With regard to the potential combination of the *Suzuki* and *Hashimoto* references to reject the claimed subject matter for obviousness under 35 U.S.C. § 103(a), Applicants submit that this combination would not have rendered the claimed subject matter obvious to one having ordinary skill in the art for at least the following reasons.

With regard to the features specified in original claim 7 (which features are now recited in claims 1 and 9-11), the Examiner states that the *Hashimoto* reference discloses these features. Applicants respectfully traverse the Examiner's characterization of the *Hashimoto* reference relative to the claimed subject matter. In column 7, lines 9-13, the *Hashimoto* reference states "when an area of a skin-colored portion obtained from the count value N_f of the skin-colored portion is equal to or larger than a predetermined value, it being determined that the skin-colored portion is affected, skin-colored portion correction is made." This means that the determining process is affected by the area of a skin-colored portion representing the background instead of the subject when the area is large. On the other hand, according to the claimed subject matter, the proportion of the processing amount of the color balance adjustment processing is adjusted using the subject distance, e.g., as shown in Figure 16(a), and therefore the effect of the background is reduced.

With regard to the *Suzuki* reference, the Examiner states that *Suzuki* teaches "(b) performing color balance adjustment processing of the image data...(Column 5 lines 59-65...)." Office Action at page 4. In column 7, lines 14-16, however, *Suzuki* states that "the white balance can be adjusted without being largely influenced by the object color." As such, the *Suzuki* reference does not disclose or suggest color balance adjustment processing using the memory color and the subject distance.

Furthermore, in column 6, lines 46-53, the *Suzuki* reference states "when the occupied area is large...the limit ranges of the control voltages R_c and B_c are made narrower." In column 7, lines 11-16, *Suzuki* states "[w]hen it is large, by further narrowing (limiting) the limit ranges..., the white balance can be adjusted without being largely influenced by the object color." Thus, the *Suzuki* reference teaches away from adjusting the proportion of the processing amount of the color balance adjustment processing so that the proportion is large when the distance is small.

Accordingly, for at least the foregoing reasons, the combination of the *Suzuki* and *Hashimoto* references would not have rendered the claimed subject matter obvious to one having ordinary skill in the art.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1, 2, 4-6, and 8-11, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP065).

Respectfully submitted,
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